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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,006	04/08/1999	JOSEPH E. CLOUTIER	CLOUTIER-2-3	6957

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EXAMINER

ABELSON, RONALD B

ART UNIT PAPER NUMBER

2666

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/288,006

Applicant(s)

CLOUTIER ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,8,14,15,22,25,27 and 30 is/are rejected.
- 7) ☒ Claim(s) 2, 4-6, 9-13, 16-21, 23, 24, 26, 28, and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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*Specification*

1. The disclosure is objected to because of the following informalities: In the related applications section, the applicant needs to provide the missing patent application numbers.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 7, 8, 14, 15, 22, 25, 27, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiuraniemi (US 5,418,787).

Regarding claims 1 and 22, Tiuraniemi (US 5,418,787) teaches a method and apparatus for a wireless communication system (fig. 1) having a transmitter (fig. 1 element BS1) and at least one receiver (fig. 1 element MS1) operable to be coupled

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via a communication link, the transmitter capable of acquiring an input data message comprised of a plurality of packets (inbound message, col. 4 lines 11 - 17), a method of dynamically controlling the duration of a burst of (col. 4 lines 17-18).

The system comprises: assigning a burst duration to the burst transmission (time slot extension algorithm, col. 2 lines 14 - 17), during the transmission duration, monitoring a source of the input data packets for the presence of at least one additional data packet of said input data message within a known time period (col. 2 lines 4 - 8, 12 - 14), and annexing at least one additional data packet into the burst transmission upon detection within the time period (total duration of the burst sequence may vary, col. 4 lines 11 - 18).

Regarding claim 3, extending the burst duration commensurate with at least one of the known time periods upon detection of at least one addition data packet with the known time period (minimum and maximum values, col. 4 lines 11-18).

Regarding claim 7, terminating the burst transmission upon termination of the assigned burst transmission (col. 2 lines 4 - 8, col. 4 lines 11 - 18).

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Regarding claims 8 and 30, terminating the burst transmission when no additional data packets are detected within the known time period (col. 2 lines 4 - 8, col. 4 lines 11 - 18).

Regarding claim 14, Tiuraniemi teaches a generalized algorithm for radio transmission (col. 1 lines 42 - 45) and CDMA is a radio transmission system.

Regarding claim 15, in addition to the limitations listed in claim 1, Tiuraniemi teaches terminating the burst transmission when no additional data packets are detected within the known time period (col. 2 lines 4 - 8).

Regarding claim 25, annexing at least one additional data packet into the burst transmission upon detection within the time period (total duration of the burst sequence may vary, col. 4 lines 11 - 18).

Regarding claim 27, in addition to the limitations listed in claim 1, Tiuraniemi teaches extending the burst duration commensurate with at least one of the known time periods upon

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detection of at least one addition data packet with the known time period (minimum and maximum values, col. 4 lines 11-18).

***Allowable Subject Matter***

4. Claims 2, 4-6, 9-13, 16-21, 23, 24, 26, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 2, 16, 23, nothing in the prior art of the record teaches or fairly suggests restarting the time period commensurate with the presence of at least one additional data packet within the known time period, in combination with the other limitations listed in the claim. Regarding claims 4, 24, and 29, nothing in the prior art of the record teaches or fairly suggests the known time period is selected in relation to an input data rate of the input data message, in combination with the other limitations listed in the claim. Regarding claim 5, nothing in the prior art of the record teaches or fairly suggests the burst duration is assigned to be greater than necessary, in combination with the other limitations listed in the claim. Regarding claims 13, 21, 26, nothing in the prior art of the record teaches or fairly

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suggests the monitored source of input data packets is a data buffer, in combination with the other limitations listed in the claim. Regarding claim 28, nothing in the prior art of the record teaches or fairly suggests iteratively repeating monitoring the source and extending the burst duration, in combination with the other limitations listed in the claim.

### ***Response to Arguments***

6. Applicant's arguments with respect to claim 1-30 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant that Koraitim, as mentioned in the prior office action does not teach adaptation of the data burst duration (applicant: pg 5 lines 2-3).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the

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organization where this application or proceeding is assigned  
are (703) 872-9314 for regular communications and (703) 872-9314  
for After Final communications.

Any inquiry of a general nature or relating to the status  
of this application or proceeding should be directed to the  
receptionist whose telephone number is (703) 305-9600.

*RA*  
Ronald Abelson  
Examiner  
Art Unit 2666

*RA*  
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January 24, 2003

*Seema S. Rao*  
SEEMA S. RAO 1/27/03  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600